

UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF PENNSYLVANIA

KAREEM MILLHOUSE,

PLAINTIFF

CIVIL ACTION NO. 1:19cv665

V.

JURY TRIAL DEMAND

FEDERAL BUREAU OF PRISONS,

UNITED STATES OF AMERICA,

ANDREW M. EDINGER,

JESSIE AYERS,

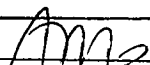
JOHN DOES 1-10,

DEFENDANTS.

FILED
SCRANTON

APR 18 2019

PER


DEPUTY CLERK

INTRODUCTION

- (1) THIS IS A CIVIL RIGHTS ACTION FOR DAMAGES FILED PURSUANT TO BIVENS V. SIX UNKNOWN AGENTS OF THE FEDERAL BUREAU OF NARCOTICS, 403 U.S. 388 (1971), FOR THE VIOLATION OF MR MILLHOUSE'S RIGHT TO ADEQUATE MEDICAL CARE AS GUARANTEED AND PROTECTED BY THE CONSTITUTION OF THE UNITED STATES; COMBINED WITH; FEDERAL TORT CLAIM ACT (FTCA) 28 U.S.C. § 2672.
- (2) AT ALL TIMES RELEVANT TO THIS ACTION, MR MILLHOUSE WAS A PRISONER AT THE UNITED STATES PENITENTIARY — LEWISBURG, IN LEWISBURG, PENNSYLVANIA AND/OR HAS BEEN A PRISONER UNDER THE CUSTODY AND CONTROL OF THE FEDERAL BUREAU OF PRISONS.
- (3) DEFENDANTS INDIVIDUALLY AND COLLECTIVELY, DEPRIVED MR MILLHOUSE OF HIS FEDERALLY GUARANTEED RIGHTS BY DENYING HIM ADEQUATE MEDICAL CARE.

- (4) All Allegations of this Complaint are based on Mr Millhouse's belief and information currently available to him. Further discovery is needed to determine, among other things, all individuals involved and the full extent of each defendant's and other individuals' action or omissions that deprived Mr Millhouse of adequate medical care.

JURISDICTION AND VENUE

- (5) This court has jurisdiction under 28 USC § 1331 because this action arises under the Constitution and laws of the United States.
- (6) Venue lies in the Middle District of Pennsylvania under 28 USC § 1391 because a substantial amount of the acts and omissions giving rise to this complaint occurred in this district.

PARTIES

- (7) Mr Millhouse is an adult individual presently incarcerated at the United States Penitentiary — Lewisburg in Pennsylvania.
- (8) Defendant Federal Bureau of Prisons manages, governs and supervises a correctional facility, the United States Penitentiary — Lewisburg, with its principal place of business at 3400 Robert F. Miller Drive, Lewisburg, Pennsylvania 17837.
- (9) Defendant United States of America employ Defendants'.
- (10) Defendant Andrew M. Edinger is an adult individual, who, at all times relevant to this action resided in the district.
- (11) Defendant Jessie Ayers is an adult individual, who, at all times relevant to this action resided in the district.
- (12) Defendant John Does 1-10 are adult individuals at all times relevant to this action, they were employed by, or agents

OF THE FEDERAL BUREAU OF PRISONS.

FACTS

- (14) ON MARCH 8, 2017 MR MILLHOUSE UNDERWENT A lumbar laminectomy (L4-S1 interbody fusion with a metal cage).
- (15) ON APRIL 17, 2017 HAD A SIX (6) WEEK Post-SURGICAL Follow-up with the SURGEON at which time AFTER MR MILLHOUSE EXPLAINED that he is still EXPERIENCING numbness and PARALIS in PARTS OF LOWER LEFT LEG AND LEFT FOOT.
- (15)(A) MR MILLHOUSE NEVER RECEIVED FOLLOW UP CARE FOR LEFT KNEE AFTER STERIOD INJECTION IN OCTOBER 2016.
MR MILLHOUSE SUBMITTED NUMEROUS SICKCALL REQUESTS EXPLAINING that the STAIRS AGGRAVATE his KNEE.
- (15)(B) UPON ARRIVAL AUGUST 4, 2018 DR EDINGER FAILED TO PROVIDE MEDICAL SHOES ALTHOUGH MR MILLHOUSE HAD CURRENT MEDICAL SHOE PASS.
- (15)(C) ON AUGUST 17, 2018 DR EDINGER FAILED TO EVALUATE MR MILLHOUSE FOR MEDICAL SHOES.
- (15)(D) ON NUMEROUS OCCASIONS JESSIE AYERS, P-A-C ~~FAID~~ FAILED TO EVALUATE MR MILLHOUSE FOR MEDICAL SHOES AND/OR ENSURE that MR MILLHOUSE HAD APPROVED MEDICAL SHOES.

- (15) THE SURGEON SCHEDULED ANOTHER FOLLOW UP FOR JULY, 2017 TO BETTER ASSESS POST-SURGICAL COMPLICATIONS. THE SURGEON ALSO RECOMMENDED MR MILLHOUSE CONTINUE TO WEAR HIS BACK BRACE, AMONG OTHER THINGS.
- (16) ON APRIL 19, 2017 DEFENDANT EDINGER APPROACHED MR MILLHOUSE'S CELL AND STATED: "SIGN THIS MEDICAL REFUSAL STATING YOU DO NOT WANT YOUR JULY, 2017 APPOINTMENT SO THAT I CAN LIFT THE MEDICAL HOLD AND TRANSFER YOU." IN ADDITION DEFENDANT EDINGER STATED: "IF YOU SIGN IT YOU WON'T RECEIVE FOLLOW UP CARE AT YOUR NEXT INSTITUTION." MR MILLHOUSE REFUSED TO SIGN. DEFENDANT EDINGER THEN CALLED THE SURGEON, ULTIMATELY LIFTING THE MEDICAL HOLD ON APRIL 19, 2017. APPROXIMATELY (2) TWO HOURS LATER MR MILLHOUSE WAS PACKED OUT AND TRANSFERRED ON APRIL 24, 2017, WITHOUT HIS "BACK BRACE".
- (17) ON AUGUST 4, 2018 MR MILLHOUSE RETURNED TO "USP-LEWISBURG'S" SMU, ON AUGUST 17, 2018 MR MILLHOUSE WAS EVALUATED BY DEFENDANT EDINGER AND EXPLAINED TO DEFENDANT EDINGER THAT HIS LEFT KNEE HAS WORSTENED, THERE WAS NEVER ANY FOLLOW UP CARE, THAT HIS LOWER BODY, LEFT LEG, LEFT FOOT ———, RIGHT LEG, AND LOWER BACK PAIN HAS WORSTENED.
- (18) DEFENDANT EDINGER STATED IN HIS CONSULTATION REPORT:
 "INMATE HAS A KNOWN HISTORY OF CHRONIC LOW BACK PAIN, HE IS STATUS — POST LUMBAR DECOMPRESSION AT L5-S1 WITH BILATERAL NEUROFORAMINOTOMIES HE COMPLAINS OF NEW DYSESTHESIAS/PARESTHESIAS DOWN HIS RIGHT LEG COMBINED WITH PAIN. THIS REQUEST IS FOR AN EMG OF THE RLE FOR ONGOING NEUROLOGIC SYMPTOMS. PROVISIONAL DIAGNOSIS: NEW L5 RADICULOPATHY."
- (19) ON OCTOBER 4, 2018 A NCV & EMG WAS CONDUCTED BY MR HASAN ASKARI, M.D. THE RESULT OF THAT PROCEDURE WAS:
 "EVALUATION OF THE RIGHT SURAL SENSORY NERVE SHOWED PROLONG DISTAL PEAK LATENCY (4.1MS) AND DECREASED CONDUCTION VELOCITY (CALF-LAT MAIL, 34MS). ... NEEDLE EVALUATION OF THE RIGHT L5 PARASPINAL MUSCLE SHOWED SLIGHTLY INCREASED SPONTANEOUS ACTIVITY. THE RIGHT S1 PARASPINAL MUSCLE SHOWED MODERATELY INCREASED SPONTANEOUS ACTIVITY."

Impression:

within the technical [] limitations of the study, this letter
 Physiological evidence of:

- (1) my demyelinating, distal peripheral neuropathy affecting the right sural sensory nerve at the ankle.
- (2) otherwise the limited, pertinent nerve condition exam of the right lower extremity is unremarkable.
- (3) EMG exam shows evidence of mild L5-S1 radiculopathy that is further supported by a relative delay in the right tibial H reflex when compared to the left side. otherwise, limited but pertinent, EMG exam is unremarkable.

Recommendations:

- (1) Please consider MRI of lumbosacral spine.
- (2) Physical therapy consult.
- (3) Orthopedic consult.
- (4) Symptomatic care.
- (5) Further recommendations per discretion of referring provider.
- (20) Defendant Edinger failed to prescribe Mr Millhouse any pain medication that was adequate and/or effective to treat his diagnosed conditions despite "central office" and other BOP recommendations for an "adequate" trial of formulary medications. Furthermore, Defendant Edinger stated he was out of options.
- (21) Mr Millhouse submitted numerous "sick call" request to Defendant Jesse Ayers to treat his chronic pain which she "ignored".
- (22) The Federal Bureau of Prisons, and Dr Edinger authorized, ratified, acquiesced in and/or condoned the policy or custom of being deliberately indifferent to Mr Millhouse's right to adequate medical care.
- (23) The Federal Bureau of Prisons, and Defendant Edinger failed to adequately investigate Mr Millhouse's medical treatment at the United States Penitentiary Lewisburg, failed to ensure that Mr Millhouse received adequate medical treatment, and failed

to ADEQUATELY SUPERVISE THE EMPLOYEES AND DOCTORS WORKING AT THE UNITED STATES PENITENTIARY LEWISBURG IN REGARDS TO MR MILLHOUSE'S MEDICAL TREATMENT.

(24) DEFENDANT EDINGER IS RESPONSIBLE TO HAVE COMPETENT MEDICAL STAFF THAT WILL RENDER APPROPRIATE TREATMENT TO PRISONERS AND FOLLOW PROCEDURES.

(25) DEFENDANT EDINGER IS THE HEAD DOCTOR AT LEWISBURG.

(26) EACH DEFENDANT WAS AWARE THAT MR MILLHOUSE SUFFERED FROM SERIOUS BACK AND NERVE PAIN, AMONG OTHER MEDICAL CONDITIONS.

(27) EACH DEFENDANT HAD A DUTY TO ENSURE THAT MR MILLHOUSE RECEIVED AND/OR WAS NOT DENIED ADEQUATE MEDICAL CARE.

(28) EACH DEFENDANT HAD A DUTY TO INVESTIGATE MR MILLHOUSE'S MEDICAL CONDITION AND ANY COMPLAINTS HE MADE.

(29) EACH DEFENDANT HAD A DUTY TO FURTHER INVESTIGATE THE MEDICAL CARE PROVIDED TO MR MILLHOUSE.

(30) DESPITE THE SEVERITY OF HIS ILLNESSES AND REPEATED REQUESTS FOR MEDICAL CARE, DEFENDANTS, INDIVIDUALLY AND COLLECTIVELY, FAILED TO (i) PROVIDE ADEQUATE MEDICAL CARE TO MR MILLHOUSE, (ii) ENSURE THAT MR MILLHOUSE RECEIVED ADEQUATE MEDICAL CARE, (iii) ENSURE THAT MR MILLHOUSE WAS NOT DENIED ADEQUATE MEDICAL CARE, AND (iv) ADEQUATELY INVESTIGATE WHETHER MR MILLHOUSE WAS RECEIVING ADEQUATE MEDICAL CARE.

(31) AS A RESULT OF DEFENDANTS' ACTIONS AND OMISSIONS, MR MILLHOUSE HAS SUFFERED AND CONTINUES TO SUFFER PHYSICAL INJURIES, INCLUDING WITHOUT LIMITATIONS, SERIOUS BACK AND NERVE PAIN, LIMITATIONS ON HIS ABILITY TO PARTICIPATE IN RECREATION, AFFECTING HIS DAILY ROUTINE SUCH AS SLEEPING AND SHOWERS, AND OTHER INJURIES THAT ARE NOT KNOWN BECAUSE, AMONG OTHER THINGS, MR MILLHOUSE HAS BEEN DENIED ADEQUATE MEDICAL EXAMINATIONS BY COMPETENT MEDICAL PROFESSIONALS

(32) AS A RESULT OF DEFENDANTS' ACTIONS AND OMISSIONS, MR MILLHOUSE SUFFERED MENTAL ANGUISH AND EMOTIONAL DISTRESS.

(33) EACH DEFENDANTS' CONDUCT WAS WILLFUL, WANTON, MALICIOUS AND INTENTIONAL.

COUNT 1: DENIAL OF MEDICAL CARE

(36) EACH DEFENDANT ACTED UNDER COLOR OF LAW.

(37) AT ALL RELEVANT TIMES MR MILLHOUSE HAD A SERIOUS MEDICAL NEED.

(38) EACH DEFENDANT WAS DELIBERATELY INDIFFERENCE TO MR MILLHOUSE'S SERIOUS MEDICAL NEED.

(39) EACH DEFENDANT DISREGARDED THAT RISK BY FAILING TO TAKE REASONABLE MEASURES TO ABATE IT.

(40) EACH DEFENDANT WAS AWARE THAT MR MILLHOUSE WAS NOT RECEIVING ADEQUATE MEDICAL CARE.

(41) EACH DEFENDANT HAD A DUTY TO ENSURE THAT MR MILLHOUSE RECEIVED ADEQUATE MEDICAL CARE AND FAILED TO DO SO.

(42) EACH DEFENDANT ACTED IN CONSCIOUS DISREGARD OF A KNOWN AND SUBSTANTIAL RISK OF SERIOUS HARM TO MR MILLHOUSE.

(43) MR MILLHOUSE SUFFERED PHYSICAL AND PSYCHOLOGICAL HARM AS A DIRECT AND PROXIMATE RESULT OF DEFENDANTS' DELIBERATE INDIFFERENCE TO HIS CONSTITUTIONAL RIGHT TO ADEQUATE MEDICAL CARE

(44) AS A DIRECT AND PROXIMATE RESULT OF THE DEFENDANTS' DELIBERATE INDIFFERENCE TO MR MILLHOUSE'S CONSTITUTIONAL RIGHTS, AS GUARANTEED BY, AMONG OTHER THINGS, THE FIFTH

AMENDMENT, MR MILLHOUSE WAS DEPRIVED OF HIS RIGHT TO ADEQUATE MEDICAL CARE.

COUNT 2: NEGLIGENT MEDICAL CARE

(45) AS A DIRECT AND PROXIMATE RESULT OF DEFENDANT EDINGER'S NEGLIGENCE MR MILLHOUSE'S CONDITIONS WORSTENED.

WHEREFORE, MR MILLHOUSE PRAYS FOR JUDGEMENT AGAINST UNITED STATES, SUM CERTAIN OF \$10,000,000.00 FOR ADMINISTRATIVE CLAIM NO. TRT-NER-2018-03995 AND \$10,000,000.00 FOR ADMINISTRATIVE CLAIM NO. TRT-NER-2018-06104, INCLUDING A DECLARATION THAT DEFENDANTS VIOLATED HIS CONSTITUTIONAL RIGHTS, COMPENSATORY DAMAGES AGAINST EACH DEFENDANT, JOINTLY AND SEVERALLY, AND PUNITIVE DAMAGES AGAINST EACH DEFENDANT IN AN AMOUNT TO BE DETERMINED AT TRIAL, ALONG WITH ANY OTHER RELIEF THE COURT DEEMS NECESSARY AND PROPER. AND ADDITIONAL SUM CERTAIN OF \$100,000 FOR TORT CLAIM 2019-00477 AND \$200,000 FOR TORT CLAIM 2019-00478. SIGNED UNDER PENALTY OF PERJURY.

DATED: APR. 11, 2019

S/ KLM [Signature]

Inmate Statement



Inmate Reg #: 59904066

Current Institution: Lewisburg USP

Inmate Name: MILLHOUSE, KAREEM

Housing Unit: LEW-E-A

Report Date: 03/28/2019

Living Quarters: E02-216L

Report Time: 11:15:52 AM

Alpha						Transaction	Encumbrance	
Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Amount	Amount	Ending Balance
LEW	3/20/2019 9:02:23 AM	13			Sales	(\$2.65)		\$177.86
LEW	3/19/2019 7:48:29 AM	TFN0319			Phone Withdrawal	\$2.74		\$180.51
LEW	3/8/2019 10:07:20 AM	UICD0319 - 973			Debt Encumbrance		(\$0.01)	-----
LEW	3/7/2019 8:21:46 AM	TFN0307			Phone Withdrawal	(\$4.00)		\$177.77
LEW	3/7/2019 8:20:52 AM	TFN0307			Phone Withdrawal	\$3.95		\$181.77
LEW	3/6/2019 9:18:10 AM	TFN0306			Phone Withdrawal	(\$5.00)		\$177.82
LEW	3/6/2019 9:09:05 AM	11			Sales	(\$3.05)		\$182.82
LEW	3/5/2019 10:16:39 AM	TFN0305			Phone Withdrawal	\$2.00		\$185.87
LEW	3/5/2019 9:58:51 AM	UFRP0319			FRP Quarterly Pymt	\$0.00		\$183.87
LEW	3/4/2019 7:35:14 PM	TFN0304			Phone Withdrawal	(\$2.00)		\$183.87
LEW	3/4/2019 7:34:02 PM	TFN0304			Phone Withdrawal	\$8.11		\$185.87
LEW	3/2/2019 6:06:26 PM	TFN0302			Phone Withdrawal	(\$8.00)		\$177.76
LEW	3/2/2019 5:44:09 PM	TFN0302			Phone Withdrawal	(\$2.00)		\$185.76
LEW	3/1/2019 6:06:48 PM	33319060			Western Union	\$50.00		\$187.76
LEW	3/1/2019 6:06:48 PM	GPHLD469 - 915			Debt Encumbrance		(\$10.00)	-----
LEW	3/1/2019 6:06:48 PM	RLEWD436 - 916			Debt Encumbrance		(\$10.00)	-----
LEW	3/1/2019 6:06:48 PM	SLEWD302 - 917			Debt Encumbrance		(\$10.00)	-----
LEW	3/1/2019 6:06:48 PM	TMCRD007 - 918			Debt Encumbrance		(\$10.00)	-----
LEW	3/1/2019 6:06:48 PM	TMCRD090 - 919			Debt Encumbrance		(\$10.00)	-----
LEW	3/1/2019 9:39:38 AM	TFN0301			Phone Withdrawal	\$10.00		\$137.76
LEW	3/1/2019 9:27:17 AM	TFN0301			Phone Withdrawal	(\$10.00)		\$127.76
LEW	3/1/2019 12:10:55 AM	GPHLD469 - 754			Debt Encumbrance - Released		\$5.00	-----
LEW	3/1/2019 12:10:55 AM	RLEWD436 - 755			Debt Encumbrance - Released		\$5.00	-----
LEW	3/1/2019 12:10:55 AM	SLEWD302 - 756			Debt Encumbrance - Released		\$5.00	-----
LEW	3/1/2019 12:10:55 AM	TMCRD007 - 757			Debt Encumbrance - Released		\$5.00	-----
LEW	3/1/2019 12:10:55 AM	TMCRD090 - 758			Debt Encumbrance - Released		\$5.00	-----
LEW	3/1/2019 12:10:55 AM	TMCRD007			PLRA Payment	\$0.00		\$152.76
LEW	3/1/2019 12:10:55 AM	RLEWD436	1359		PLRA Payment	(\$5.00)		\$142.76
LEW	3/1/2019 12:10:55 AM	SLEWD302	1358		PLRA Payment	(\$5.00)		\$147.76
LEW	3/1/2019 12:10:55 AM	GPHLD469	1360		PLRA Payment	(\$5.00)		\$137.76
LEW	2/6/2019 8:54:25 AM	15			Sales	\$0.00		\$152.76
LEW		33319032			Western Union	\$25.00		\$152.76

Case: 6:18-cv-00125-DLB Doc #: 12-1 Filed: 05/29/18 Page 34 of 54 Page ID#: 136

Inmate Name: MILLHOUSE, KAREEM
Date of Birth: 08/04/1976
Encounter Date: 05/09/2017 13:02

Sex: M Race: BLACK
Provider: Perkins, Edward MD/CD

Reg #: 59904-066
Facility: MCR
Unit: E04

* Exhibit A

New Consultation Requests:

<u>Consultation/Procedure</u>	<u>Target Date</u>	<u>Scheduled Target Date</u>	<u>Priority</u>	<u>Translator</u>	<u>Language</u>
Neurosurgery	05/16/2017	05/16/2017	Routine	No	

Subtype:

Neurosurgery

Reason for Request:

* IM underwent L5 spinal fusion on 3/8/17 - needs post op evaluation. Significant Left LE neuropathy.

Schedule:

<u>Activity</u>	<u>Date Scheduled</u>	<u>Scheduled Provider</u>
Chronic Care Visit	11/08/2017 00:00	MLP 03
Chronic Care Visit	05/07/2018 00:00	Physician

Other:

Follow-up at sick call and CCC as needed. To be evaluated by provider and placed on callout. Return or go to sick call if condition worsens or does not improve or for any untoward symptoms. DC to housing unit and work. Will FU in 6 months and 1 year - sooner for any untoward symptoms. Inmate instructed to report any untoward symptoms.

Patient Education Topics:

<u>Date Initiated</u>	<u>Format</u>	<u>Handout/Topic</u>	<u>Provider</u>	<u>Outcome</u>
05/09/2017	Counseling	Access to Care	Perkins, Edward	Verbalizes Understanding

Discussed access to care, compliance with recommendations and treatment plan, Diet/exercise and wt. control, Medications R/B and possible side-effects and preventive care measures. Inmate to report any untoward symptoms.

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Perkins, Edward MD/CD on 05/18/2017 13:51

2 of 19

Exhibit

TRULINCS 59904066 - MILLHOUSE, KAREEM - Unit: MCR-Z-A

FROM: Health Service
TO: 59904066 MILLHOUSE, KAREEM
SUBJECT: RE:***Inmate to Staff Message***
DATE: 06/16/2017 10:47 AM

You have a follow up scheduled with your provider very soon. I will forward your message to them to let them know your pain has increased. Watch the call outs for you to be called to medical. If you are not called to medical within a week, sign up for sick call like you were asked.

>>> ~^!"MILLHOUSE, ~^!"KAREEM" <59904066@inmatemessage.com> 6/16/2017 9:53 AM >>>
To: KENNEDY
Inmate Work Assignment: NONE

I WAS TOLD TO SEND A COP OUT VIA HEALTH SERVICE BOX BECASE I HAVE A CHRONIC CARE ISSUE, HOWEVER BP-8,9,10,AND 11 STAE TO FOLLOW UP AT SICK CALL IF MY CONDITION WORSTEN.MY BACK AND LOWER BODY PAIN IS WORST SINCE SURGERY.MEANWHILE,WHEN I WAS ON 1800MG TWICE A DAY MY LOWER BODY PAIN WAS SEMI MANAGED.IBUPROFEN ISN'T DOING ANYTHING FOR MY BACK,PERIOD.IM IN IMMENSE PAINFROM THAT AND MY HANDS.

3 OF 19

13

TRULINCS 59904066 - MILLHOUSE, KAREEM - Unit: MCR-Z-A

FROM: Blue Sick Call
TO: 59904066 MILLHOUSE, KAREEM
SUBJECT: RE:***Inmate to Staff Message***
DATE: 07/06/2017 08:37 AM

As discussed during breakfast, your provider is aware of your concerns and you have an appointment scheduled with him.
Please continue to watch the call outs.

>>> ~^!"MILLHOUSE, ~^!KAREEM" <59904066@inmatemessage.com> 7/6/2017 7:37 AM >>>

To: MEDICAL
Inmate Work Assignment: CONVELESENCE

I HAVE EXCRUCIATING BACK PAIN,I HAVE NO RELIEF FOR IT!THE COLD AIR AGGRAVATE IT!IBUPROFEN DOES NOT RELIEVE THE PAIN.I REALLY AM NOT SOPPOSE TO BE PRESCRIBED THAT BECAUSE OF THE BLOOD PRESSURE MEDICATIONS I'AM ON.YOU KEEP SAYING WATCH THE CALL OUT TO SEE MY CARE PROVIDER BECAUSE MY ISSUES IS CHRONIC CARE,MEANWHILE YOU SAID I WAS TO SEE MY PROVIDER 6/28/17!WELL I HAVN'T SEEN ANYONE!ARE YOU SAYING THAT I CAN ONLY GET TREATMENT FOR MY ISSUES EVERY (6) MONTHS?I ADDRESSED THIS TO AW BARONE, WARDEN ORMOND, MR LENNEN ADMINISTRATIVE REMEDIES. WHAT ELSE MUST I DO?FILE A CIVIL SUIT?

4 OF 19

EXHIBIT

TRULINCS 59904066 - MILLHOUSE, KAREEM - Unit: MCR-Z-A

FROM: AW
 TO: 59904066 MILLHOUSE, KAREEM
 SUBJECT: RE:***Inmate to Staff Message***
 DATE: 07/06/2017 03:37 PM

The physician evaluated you on 5/9/17 and performed a full exam. He also submitted a Neurosurgery consultation, but it was disapproved by the Region. The Regional Medical Doctor noted on May 31, 2017, "patient seen on follow up post surgery on 4/2017 in previous institution. Still with problems after surgery. Exam was unremarkable and recommendations to continue conservative treatment and order lumbosacral Xrays flexion and neutral". Your X-ray was completed on May 24, 2017. Since your arrival to USP McCreary, you have been evaluated at sick call on 4 separate occasions. You have also been informed you are on the schedule to see your provider for your complaints. On July 6, 2017, AHSA Cimarossa spoke to you about your complaints. You were informed once again, you need to wait until your name is on the call outs. The follow-up appointments are scheduled around emergent appointments. Back pain is non-emergent. You will be on the call outs soon to be evaluated.

>>> ~^!MILLHOUSE, ~^!KAREEM" <59904066@inmatemessage.com> 7/6/2017 10:32 AM >>>

To: BARRON

Inmate Work Assignment: COVELESENCE

I SPOKE TO YOU, CIMAROSA, WARDEN ORMOND, MR LENNEN, IN ADDITION I FILED ADMINISTRATIVE REMEDIES AND RECEIVED NO RELIEF! ITS NO WAY THAT USP-MCR IS IN COMPLIANCE WITH PS.6031.04! SICKCALL PROCEDURE IS INADEQUATE AND INEFFECTIVE, EACH TIME I SIGN UP FOR SICKCALL THEY SAY MY ISSUES IS CHRONIC CARE AND THEY CANT DO ANYTHING. I HAD A POSTERIOR LUMBAR FUSION ON 3/8/17. MY BACK FOLLOW UP WAS CONDUCTED 4/11/17 AND THE DOCTOR SCHEDULED ANOTHER FOLLOW UP FOR JULY 2017. ON 4/19/17 DR EDINGER AT USP-LEWISBURG TRIED TO GET ME TO SIGN A REFUSAL FOR THAT FOLLOW UP. SO THEY CAN TRANSFER ME. I REFUSED AND HE CALLED THE DOCTOR TO CLEAR ME. 4/24/17 I WAS TRANSFERRED AND ARRIVED HERE 5/3/17. I HAVE NOT A PAIN MY BACK BRACE SINCE 4/24/17. I NEVER HAD AN ADEQUATE INITIAL ARRIVAL DR APPOINTMENT. 5/9/17 DR PERKINS SAID HE CANNOT DO ANYTHING HE IS JUST HELPING AND WORK AT USP-MANCHESTER AND THAT I WILL SEE MY PROVIDER WITHIN 14 DAYS. ITS NOW 7/6/17 AND EVERYBODY SAY WATCH THE CALL OUT! THE COLD AIR AGGRAVATE MY BACK PAIN, IBUPROFEN DOES NOTHING, AND I AM NOT SUPPOSE TO TAKE BECAUSE OF MY BLOOD PRESSURE MEDICATIONS! THE GABAPENTIN IS FOR THE NERVE PAIN. I HAVE SHOOTING PAIN DOWN LEFT SIDE, BURNING SENSATION AND FEELING OF MILLIONS OF PIN PRICKS. I HAVE NO RELIEF. 5/31/17 NEUROSURGEON CONSULT WAS DENIED AND STATED THAT MY PAIN CAN BE MANAGED LOCALLY. AND BASICALLY USP-MCR IS SAYING THAT I CAN ONLY ADDRESS MY ISSUES EVERY 6 MONTHS ALTHOUGH CENTRAL OFFICE AND REGION STATE FOLLOW UP AT SICK CALL IF YOU FEEL YOUR CONDITION CHANGE/WORSTEN! I NEED MY BACK PAIN ADDRESSED. ALL THIS KEEP WATCHING THE CALL OUT GAME IS CHILDISH AND ISN'T ADDRESSING MY ISSUES. THIS IS THE ONLY INSTITUTION THAT SICK CALL CAN NOT HELP.

50f 19

EXHIBIT +

TRULINCS 59904066 - MILLHOUSE, KAREEM - Unit: MCR-Z-A

FROM: Warden
 TO: 59904066 MILLHOUSE, KAREEM
 SUBJECT: RE:***Inmate to Staff Message***
 DATE: 07/17/2017 09:32 AM

An Administrative Remedy (BP9) response regarding this issue is being finalized at this time.

>>> ~^!MILLHOUSE, ~^!KAREEM" <59904066@inmatemessage.com> 7/8/2017 9:44 AM >>>
 To: ORMOND
 Inmate Work Assignment: CONVELESENCE

I SPOKE TO YOU YESTERDAY, 7/7/17 AND YOU SAID SEND YOU A COP OUT! MY ISSUE IS MEDICAL AND I ADDRESSED IT TO JONES, CIMAROSA, BARRON, LENNON, IN ADDITION I SUBMITTED AP-8/BP-9 AND THE ISSUE STILL HAS NOT BEEN ADDRESSED. ~~ON 7/8/17 I HAD A POSTERIOR LUMBAR FUSION OF L5/S1~~ 4/17/17 I HAD A FOLLOW UP VISIT WITH OPERATING DOCTOR AT WHICH TIME HE SCHEDULED ANOTHER FOLLOW UP VISIT FOR JULY, 2017. HOWEVER I WAS TRANSFERRED 4/24/17 AND ARRIVED HERE 5/3/17. ON 5/9/17 I WAS SEEN BY DR PERKINS AND HE SAID THAT HE CANNOT DO ANYTHING FOR ME BECAUSE HE IS JUST HELPING AND WORK AT FCI-MANCHESTER. HE SAID THAT I WILL BE SEEN HERE WITHIN 14 DAYS BY MY CARE PROVIDER AND EXPLAIN MY ISSUES THEN. HE ONLY RENEWED MY MEDICATIONS FOR 14 DAYS. "I HAVE EXCRUCIATING BACK PAIN THAT IS AGGRAVATED BY THE COLD AIR ON UNIT". THE IBUPROFEN DOES NOTHING TO RELIEVE THAT PAIN AND I TOLD EACH DOCTOR WHO PRESCRIBED IT SINCE. ASIDE FROM THAT I WAS TOLD THAT I CANNOT TAKE IBUPROFEN WHILE ON BLOOD PRESSURE MEDICATIONS. ON 5/31/17 A NEUROSURGEON CONSULT WAS DENIED! SICK CALL KEEP SAYING THAT THEY CANNOT DO ANYTHING FOR ME AND THAT MY ISSUES IS CHRONIC CARE. MEANWHILE I HAVE REMEDY FROM THE MID-ATLANTIC, NORTHEAST REGION AND CENTRAL OFFICE STATING "IF YOU FEEL YOUR CONDITION HAS CHANGED/WORSTENED FOLLOW UP AT SICK CALL. MEDICAL DOESN'T RESPECT THAT HERE. THEY SAY MY PAIN IS NON-EMERGENT AND THAT I AM SCHEDULED TO SEE MY PROVIDER. THAT WAS SUPPOSED TO BE 6/28/17. I NEED PAIN RELIEF. THANK YOU

6 OF 19

Exhibit

TRULINCS 59904066 - MILLHOUSE, KAREEM - Unit: MCR-Z-A

FROM: AW
 TO: 59904066 MILLHOUSE, KAREEM
 SUBJECT: RE:***Inmate to Staff Message***
 DATE: 09/08/2017 11:12 AM

If you feel you are not receiving inadequate medical care, you can start the Administrative Remedy process.

>>> ^["MILLHOUSE, ^["KAREEM" <59904066@inmatemessage.com> 9/6/2017 11:36 AM >>>

To: BARRON
 Inmate Work Assignment: CONVALESCENCE

I BEEN THROUGH ALL YOU EVER SAID AND NOTHING WAS DONE. SICK CALL KEEP SAYING THEY CAN'T DO ANYTHING FOR THE PAIN. IBUPROFEN IS NOT AND NEVER HELPED WHY AM I BEING FORCED TO TAKE SOMETHING THAT DOES NOT WORK? WHAT IS THE ISSUE HERE AT MCCREARY THAT MEDICAL WILL NOT PRESCRIBE PAIN MEDICATION THAT WORK. MY BACK PAIN IS EXCRUCIATING. GABAPENTIN IS "ONLY" FOR THE NERVE PAIN. I AM IN PAIN AND ~~ALL MY CONSULTATIONS WERE RE DENIED~~ AND STATED THAT MY CONDITIONS CAN BE MANAGED LOCALLY. WHY ISN'T THAT HAPPENING? I AM IN PAIN AND NEED MEDICATION FOR THAT PAIN THAT GABAPENTIN IS "NOT" FOR. THANK YOU AND HAVE A GOOD DAY. NOTE: I WENT TO SICK CALL AFTER YOUR REPLY TO THIS "INITIAL" COP-OUT.

-----AW on 8/15/2017 11:42 AM wrote:

>
 You are prescribed Gabapentin and ibuprofen for pain. If those pain medications are not adequate for your pain, sick call is open for you to address your concerns until you are evaluated by your provider or through chronic care clinic. You have a follow-up appointment scheduled as you have been previously advised. I trust this addresses your concerns.

>>> ^["MILLHOUSE, ^["KAREEM" <59904066@inmatemessage.com> 8/13/2017 11:59 AM >>>

To: BARRON
 Inmate Work Assignment: CONVALESCENCE

MEDICAL IS NOT DOING ANYTHING TO PROVIDE PAIN RELIEF FOR MY BACK AND FOOT PAIN. ~~CONSULTATIONS WERE DENIED~~ ~~RECENTLY FOR NERVE TEST AND AN MRI SCAN~~. THEREFORE, WHAT SHOULD I DO BECAUSE SICK CALL SAY I CAN ONLY ADDRESS CHRONIC ISSUES AT CHRONIC CARE AND IM NOT SCHEDULED FOR CHRONIC CARE ANYTIME SOON.

FOR K. ELY, MEDICAL RECORDS
Rom. Millhouse, K 59904066
E-207

USP-LEWISBURG
2400 ROBERT F. MILLER DRIVE
LEWISBURG, PA 17837

RE: ~~STATE COMPLAINT~~ PLEASE DOCUMENT THIS, I KNOW

THAT I WILL NOT GET ADEQUATE NOR EFFECTIVE MEDICAL TREATMENT.
IN AUGUST 7, 2018 AND AUGUST 13, 2018 YOU DID NOT DOCUMENT MY SICK
ALL REQUEST THAT I GAVE MS JESSICA AYERS, PA-C NOR ANY FOLLOW-UP SICK
ALL REQUESTS THAT I SUBMITTED THROUGHOUT SEPTEMBER, 2018.
A INFORMAL RESOLUTION ATTEMPT # G130-18 MRS. BROWN STATED "THERE IS NO
EVIDENCE YOU HAVE SIGNED UP FOR SICKCALL DURING ROUTINE ROUNDS IN YOUR
USING UNIT." AND IN ADMINISTRATIVE REMEDY NO. 953267-F1 IT WAS STATED
"THERE IS NO EVIDENCE PRESENT INDICATING YOU HAVE REQUESTED A SICK
ALL EVALUATION FOR UNADDRESSED MEDICAL CONCERNS."
IN ADDITION I GAVE MR ANDREW M. EDINGER, MD/CD AND MR S. BROWN,
BA NUMEROUS COP-OUTS ABOUT THIS ISSUE OF BEING DENIED SICKCALL
AND HOW YOUR NOT DOCUMENTING IT. I RECEIVED NO RESPONSES NOR
E-THERE ANY RECORD.

SENT YOU NUMEROUS COP-OUTS FOR COPIES OF MY MEDICAL
RECORDS FROM "APRIL 1, 2017 THRU DATE GENERATED" BUT YOU SENT
5 COPIES FROM APRIL 1, 2018. ANY SUBSEQUENT REQUEST WAS IGNORED.

SENT COMPLAINTS FOR "LICENSED" EMPLOYEES ON MR ANDREW M.
EDINGER, JESSICA AYERS, AND MR ROWAN K. RASSOUB TO MR C. WILLIAM
FRITZ, OFFICE OF GENERAL COUNSEL AND THE JOINT COMMISSION.
THERE IS WIDE SPREAD CORRUPTION AT USP-LEWISBURG A CONSPIRACY
IT DEPRIVE ME OF GUARANTEED U.S. CONSTITUTIONAL RIGHTS NAMELY
THE FIFTH AND EIGHTH AMENDMENT AND 18 USC § 4042(Z).

HAVE NUMEROUS DIAGNOSED CONDITIONS THAT IS CAUSING EXTREME EX-
CRUCIATING PAIN. FURTHERMORE, THE ~~NEUROPATHY~~ NEUROPATHY IN
LEFT FOOT HAS WORSENERED AND THE TOES HAS CURLED SUCH
IT I CANNOT FIT MY LEFT FOOT IN "SMU" ISSUED SHOES.

USP-LEWISBURG MEDICAL PERSONNEL IS OVERLY CONFIDENT
CAUSE AN ~~OBSCURE~~ OBSCURE PERCENTAGE OF THE LAWSUITS
AGAINST THEM WERE DISMISSED BUT WHAT MUST BE RECOG-
NIZED IS "THEY WEREN'T ON THE MERITS."

I ENCOURAGE YOU, CONTINUE PARTICIPATING IN THE
CONSPIRACY IN VIOLATION OF 18 USC § 371 AND § 1001,
371. JUSTICE ALWAYS PREVAIL. AND THE CAMERAS
ALWAYS ROLLING, SOMEONE WILL REVIEW THEM SOONER OR
LATER. LEWISBURG HAS BEEN EXPOSED.

THANK YOU AND HAVE A GOOD DAY.
SYLVIA H. RAMBO, J

8 OF 19

EXHIBIT

TO: MRS K. ELY, MEDICAL RECORDS

FROM: MILLHOUSE 59904000
E-209

OCTOBER 14, 2018

* I SENT YOU SEVERAL REQUEST FOR ~~THE~~ ~~AREA~~ 2 COPIES OF THE "EMB/NCT" RESULTS THAT WAS CONDUCTED OCTOBER 4, 2018. I HAVE YET TO RECEIVE THAT REQUEST.

✓ I have
NOT
Received
Result
yet.

* Furthermore, you NOT DOCUMENTING my SICKCALL REQUESTS, CO-ROUTS TO DR EDINGER NOR STEVE BROWN, HSA. OR THE MEMORANDUM THAT I GAVE YOU ABOUT THE INADEQUATE AND INEFFECTIVE MEDICAL treatment. A BR'S RESPONSE I RECEIVED TODAY STATE THERE IS NO EVIDENCE THAT I SUBMITTED THESE CORRESPONDENCES.

✓ I scan them
every
I receive

* I AM IN EXCRUCIATING PAIN PERIOD. — I HAVE SEVERAL DIAGNOSED CONDITIONS AND THESE GAMES MEDICAL/HEALTH SERVICES IS PLAYING WILL NOT DETER ANY LITIGATION ONE I EXHAUST "ADMINISTRATIVE REMEDIES"

I APPRECIATE YOU DO YOUR
JOB AND SCAN THIS IN MY FILE.
(MEDICAL)

K Ely 10-17-18

Inmate Name: MILLHOUSE, KAREEM

Date of Birth:

Encounter Date: 08/17/2018 12:01

Sex: M

Race: BLACK

Provider: Edinger, Andrew MD/CD

Reg #: 59904-066

Facility: LEW

Unit: E02

Hyperlipidemia, mixed, 272.2 - Current

Hypertension, Unspecified essential, 401.9 - Current

Low back pain, lumbago, 724.2 - Current

Unspecified vitamin D deficiency, 268.9 - Current

~~EXHIBIT~~**PLAN:****Renew Medication Orders:**

<u>Rx#</u>	<u>Medication</u>	<u>Order Date</u>	<u>Prescriber Order</u>
187504-LEW	Albuterol Inhaler HFA (8.5 GM) 90 MCG/ACT	08/17/2018 12:01	Don't use daily. Inhale 2 puffs by mouth 4 times a day as needed to prevent/relieve asthma attack (inhaler to last 90 days. If need more, make sick call) - "Empty container is to be returned for refill" PRN x 90 day(s)
	Indication: Asthma, unspecified		
187503-LEW	amLODIPine 5 MG TAB	08/17/2018 12:01	Take one tablet (5 MG) by mouth each day x 180 day(s)
	Indication: Hypertension, Unspecified essential		
187505-LEW	Lisinopril 20 MG Tab	08/17/2018 12:01	Take one tablet by mouth each day x 180 day(s)
	Indication: Hypertension, Unspecified essential		

New Laboratory Requests:

<u>Details</u>	<u>Frequency</u>	<u>Due Date</u>	<u>Priority</u>
Chronic Care Clinics-Hypertension-Lipid Profile	One Time	10/29/2018 00:00	Routine
Chronic Care Clinics-Hypertension-Comprehensive Metabolic Profile (CMP)			

New Consultation Requests:

<u>Consultation/Procedure</u>	<u>Target Date</u>	<u>Scheduled Target Date</u>	<u>Priority</u>	<u>Translator</u>	<u>Language</u>
Specialty Procedure - In house	12/03/2018	12/03/2018	Routine	No	

Subtype:

EMG/NCT - On-Site

Reason for Request:

Inmate has a known history of chronic low back pain. He is status-post Lumbar decompression at L5-S1 with bilateral neuroforaminotomies. He complains of new dysesthesias/paresthesias down his right leg combined with pain. This request is for an EMG of the RLE for ongoing neurologic symptoms.

Provisional Diagnosis:

New L5 radiculopathy

New Non-Medication Orders:

<u>Order</u>	<u>Frequency</u>	<u>Duration</u>	<u>Details</u>	<u>Ordered By</u>
Blood Pressure	One Time		Due 10/1/18	Edinger, Andrew MD/CD

Order Date: 08/17/2018**Schedule:**

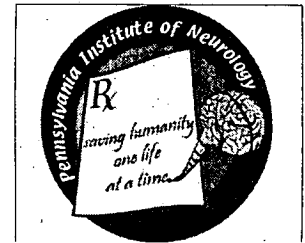
<u>Activity</u>	<u>Date Scheduled</u>	<u>Scheduled Provider</u>
Chronic Care Visit	07/31/2019 00:00	Physician

Disposition:

10 of 19

Pennsylvania Institute of Neurology,
 Hasan Askari, MD
 113 North Market Street,
 Selinsgrove, PA 17870
 Tel: (570) 884-3243/Fax: (570) 884-3245

USP Lewisburg



EXHIBIT

Test Date: 10/4/2018

Patient:	Kareem Millhouse	DOB:	[REDACTED]	Physician:	Hasan Askari, MD
Sex:	Male	Height:	5' 2"	Ref Phys:	Andrew Edinger, MD
ID#:	59904-066	Weight:	212 lbs.	Technician:	None

Patient Complaints:

RLE - neuropathy

NCV & EMG Findings:

Evaluation of the right sural sensory nerve showed prolonged distal peak latency (4.1 ms) and decreased conduction velocity (Calf-Lat Mall, 34 m/s). All remaining nerves (as indicated in the following tables) were within normal limits.

All F Wave latencies were within normal limits. Left vs. Right comparison data for the tibial H-reflex indicates abnormal L-R latency difference (4.31 ms).

Needle evaluation of the right L5 paraspinal muscle showed slightly increased spontaneous activity. The right S1 paraspinal muscle showed moderately increased spontaneous activity. All remaining muscles (as indicated in the following table) showed no evidence of electrical instability.

Impression:

Within the technical limitations of the study, this letter physiological evidence of:

1. My demyelinating, distal peripheral neuropathy affecting the right sural sensory nerve at the ankle.
2. Otherwise the limited, pertinent nerve conduction exam of the right lower extremity is unremarkable.
3. EMG exam shows evidence of mild L5-S1 radiculopathy that is further supported by a relative delay in the right tibial H reflex when compared to the left side. Otherwise, limited but pertinent, EMG exam is unremarkable.

Recommendations:

1. Please consider MRI of lumbosacral spine.
2. Physical therapy consult.
3. Orthopedic consult.
4. Symptomatic care.
5. Further recommendations, per discretion of the referring provider.

Thank you,

Sincerely,

 Hasan Askari, MD

TO: MR DOCTOR ANDREW M. EDINGER,
MEDICAL

EXHIBIT

From: millhouse 59404016

E-210

NOVEMBER 22, 2018

THE COLD HAS INCREASED THE PAIN, ITS AFFECTING MY DAILY ROUTINE. RECREATION, SHOWERS AND MY APPETITE.

All Administrative ~~Remedy~~ Responses State,

" FOLLOW-UP AT SICK CALL IF YOU FEEL YOUR CONDITION HAS WORSENERD."

SICK CALL IS NOT RESPONDED TOO.

1. FOR PROPER RECORD KEEPING, PLEASE SEND REQUESTS ON PROPER FORMS

2. MUCH OF YOUR SYMPTOMS ARE LIKELY LINKED TO MUSCULAR, LIGAMENTOUS, AND ARTHRITIC CAUSES. YOU ARE CURRENTLY TAKING IBUPROFEN. IS THIS NOT HELPING?

* 3. ~~OPIONS ARE LIMITED~~ YOU HAVE FAILED WITH AMITRIPTYLINE IN THE PAST. ~~WE WILL NOT BE ABLE TO GET GABAPENTIN~~ APPROVED FOR YOU. CLINICALLY, THERE IS NOT MUCH ELSE AVAILABLE.

4. YOU ARE SCHEDULED TO SEE THE NEUROSURGEON.

Am. Edinger MD

TO: DR EDINGER, MEDICAL

millhouse 59404016

12 OF 19

EXHIBIT

TO: MR ANDREW M. EDINGER, MD/CD

FROM: MILLHOUSE, K 59404066

DECEMBER 6, 2018

E-211

TODAY I RECEIVED THE FIRST CO-OUT RESPONSE FROM YOU SINCE MY RETURN AUGUST 6, 2018.

NO! IBUPROFEN DID NOT HELP AND HONESTLY NEVER DID. ON NOV. 8, 2018 IT WAS DISCONTINUED. (BUT IT WAS RECENTLY PRESCRIBED BECAUSE I HAD MY TOOTH PULLED.) IT RELIEVE MY TOOTHACHE BUT THE BACK PAIN AND LOWER BODY PAIN IT DOES NOTHING! I'M JUST TRYING TO GET BACK TO BEING ABLE TO FUNCTION WITH ~~DA~~ DAILY ROUTINES. I SUBMITTED A SICKCALL MONDAY DECEMBER 3, 2018.

(I DO NOT HAVE ACCESS TO OFFICIAL CO-OUTS RIGHT NOW).

YOU HAVE FAILED VIRTUALLY ALL OF THE ANALGESIC PAIN MEDICATIONS. YOU WERE CAUGHT MIS-USING GABAPENTIN.

I WILL NOT BE ABLE TO GET APPROVAL FOR THAT.

YOUR ARE SCHEDULED TO SEE THE SURGEON, ~~AND~~

OTHERWISE, ~~I AM OUT OF OPTIONS~~

A.M. Edinger MD

HEALTH SERVICES

13 OF 19

TO: HEALTH SERVICES

EXHIBIT

TO: DR EDINGER

FEBRUARY 2, 2019

FROM: MILLHOUSE 59904066

E-214

~~you never offered me medication from the~~
 you never offered me formulary medication from the
 EPILEPTIC CATEGORY, ~~HOWEVER, YOU STATED~~ Although I
 told you that I AM IN PAIN and its effecting
 my Daily Routine. However, you stated that you
 cannot prescribe me any medications.

THE DATA ON USE OF EPILEPTIC MEDICATION FOR YOUR SPECIFIC
 PROBLEM IS VERY LIMITED. THE STUDIES SHOW EITHER THAT
 THE MEDICATION IS NOT EFFECTIVE, OR IT HAS NOT BEEN
 STUDIED.

THE FORMULARY MEDICINES THAT OTHER PRESCRIBERS ARE USING ARE

- 1) OXCARBAZEPINE - STUDIES SHOW IT IS NOT EFFECTIVE
- 2) CARBAMAZEPINE - HELPFUL FOR FACIAL NERVE PAIN; NO PROOF FOR BAC
- 3) LEVATIRACETAM - STUDIES SHOW IT IS NOT EFFECTIVE

I AM WILLING TO OFFER A TRIAL OF CARBAMAZEPINE.

UNFORTUNATELY, I DON'T THINK IT WILL WORK, IT REQUIRES
 ROUTINE BLOOD TESTS, AND IT HAS MANY DRUG INTERACTIONS.
 HOW WOULD YOU LIKE TO PROCEED.

/ A.M. Edinger

TO: HEALTH SERVICES

14 OF 19

~~TO: DR. EDGEMOND / HEALTH SERVICES~~
FROM: Millhouse 59904066

E-214

~~2/14/19~~

Exhibit

You said Prescribers are using certain medications. I was on Carbamazepine, you said you were willing to try this. How about the first one you listed (OXCARBAZEPINE)? I never was on that and I need something for the pain.

1. OXCARBAZEPINE HAS BEEN STUDIED FOR YOUR PROBLEM AND IT DOES NOT WORK.
2. CARBAMAZEPINE HAS NEVER BEEN STUDIED FOR YOUR PROBLEM. IT HAS SHOWN EFFECTIVENESS FOR OTHER NERVE PAIN PROBLEMS.

/Am. Edigono

BP-S802.060
FEB-05

NON-FORMULARY DRUG AUTHORIZATION

CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Patient name:
MILHOUSE, KAREEM

Register number:

59904-066

Requestor:

Dyer, Mitchell PA-C

Institution:

MCCREARY USP

Drug requested:

Pregabalin 75 MG Cap [Lyrica]

Drug approved:

Dose and Regimen:

75 mg BID

Date requested:

04/10/2018

Expiration of order:

10/10/2018

Diagnosis:

Acquired spondylothesis, Low-Back Pain, History spinal fusion, carpal tunnel syndrome

Reason(s) why formulary agent(s) cannot be used:

Inmate recently evaluated for SMU referral. Inmate was prescribed Gabapentin for condition mentions above but this medication was discontinued due to diversion. He states that he is still in severe pain and currently he is taking no medications. Record shows that he has tried other medications in the past such as, naproxen, Elavil, Motrin, aspirin, sulindan, carbamazepine, depo-medrol injections and Tylenol #3. He is unwilling to try any of these medications again stating that they never worked. Also inmate refused to sign a refusal after extensive educations on his pain and appropriate pain management on 12/29/2017 to try formulary medications such Elavil, duloxetine, carbamazepine. He was also offered consults for pain specials as well as evaluation of his back by specialist.

Inmate does have physical exam findings as well as history of painful conditions but no motivation to try other medications or avenue of pain management other than narcotic pain relief, gabapentin or lyrica.

Formulary agent(s) tried:

Cost of therapy:

Cost of formulary agent:

Institutional Chief Pharmacist:

Stovall, Christopher PharmD

Action taken:

Refer up

Date:

04/12/2018

Comments:

Note on 09/12/17 states "Received a incident report written by SIS staff as well as a supporting memo from nursing staff in regards to Inmate Millhouse misusing and giving his Gabapentin to another inmate."

Duloxetine d/c'd after 10 days in 2016

Carbamazepine d/c'd after 1 day in 2016

Do not recommend approval. Patient has past history of diversion and refuses formulary agents.

Institution Clinical Director:

Marrero, Maria F MD/RMD

Action taken:

Refer up

Date:

04/13/2018

Comments:

agree with ICP. Need to do adequate trial of formulary medications before requesting a non formulary.

Central Office Pharmacist:

Long, Michael Regional Chief Pharmacist

Action taken:

Refer up

Date:

04/13/2018

Comments:

Recommend adequate trial of formulary agents. See ICP comments.

Central Office Physician:

Marrero, Maria F MD/RMD

Action taken:

Disapproved

Date:

04/16/2018

Comments:

Generated 07/26/2018 08:38 by Casada, Melanie HFT

Bureau of Prisons - MCR

Page 1 of 2

Register number: 59904-066

Drug requested: Pregabalin 75 MG Cap [Lynca]

agree with ICP and COP. Need to do adequate trial of formulary medications before requesting a non formulary

Use Criteria:

N N/A

X

1. Diabetic neuropathy - well documented as insufficient functional response to duloxetine, plus at least one another medication from the tricyclic antidepressant or antiepileptic categories.

X

2. Post-herpetic neuralgia - well documented intolerance or insufficient functional response at maximally tolerated doses of tricyclic antidepressants and topical analgesics such as capsaicin cream.

X

3. Fibromyalgia - documented diagnosis of fibromyalgia by rheumatologist, documented insufficient functional response to duloxetine, plus at least one other medication from the tricyclic antidepressant or antiepileptic categories.

X

4. Partial onset seizures - well documented intolerance or insufficient response to at least two other agents (i.e. - carbamazepine, lamotrigine, levetiracetam, phenytoin, topiramate)

17 OF 19

**Bureau of Prisons
Health Services**

Clinical Encounter - Administrative Note

Inmate Name:	MILLHOUSE, KAREEM	Reg #:	59904-066
Date of Birth:		Sex:	M Race: BLACK
Note Date:	03/12/2019 07:25	Facility:	LEW
		Unit:	E02
		Provider:	Ayers, Jessie PA-C

Admin Note - General Administrative Note encounter performed at Health Services.

Administrative Notes:

ADMINISTRATIVE NOTE 1

Provider: Ayers, Jessie PA-C

Inmate stopped me to discuss pain medication for both his hand and his chronic pain issues. It was noted during encounter that Inmate Millhouse was not wearing the splint which Dr. Edinger had made him due to the fracture in his hand. Stressed to inmate that he must wear splint at all times due to risk of worsening injury or improper healing. Inmate is currently awaiting further evaluation of fracture.

Copay Required: No

Cosign Required: No

Telephone/Verbal Order: No

Completed by Ayers, Jessie PA-C on 03/12/2019 07:29



18 OF 19

U.S. Department of Justice

Federal Bureau of Prisons

Northeast Regional Office

Via Certified and Return Receipt Mail

U.S. Custom House-7th Floor
2nd & Chestnut Streets
Philadelphia, PA 19106

March 27, 2019

Mr. Kareem Millhouse, Reg. No. 59904-066
USP Lewisburg
P.O. Box 1000
Lewisburg, PA 17837

RE: Administrative Claim No. TRT-NER-2019-00477.

Dear Mr. Millhouse:

Your Administrative Claim No. TRT-NER-2019-00477 properly received on October 22, 2018, has been considered for settlement as provided by the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2672, under authority delegated to me by 28 C.F.R. § 543.30. Damages are sought in the amount of \$100,000.00, for personal injury. Specifically, you allege you have been denied appropriate medical care at USP Lewisburg on an ongoing and continuous basis.

An investigation reflects you have been given medical treatment at USP Lewisburg that meets or exceeds community standards. There is no evidence to suggest you experienced a compensable loss as the result of negligence on the part of a Bureau of Prisons employee. Accordingly, your claim is denied.

If you are dissatisfied with this decision, you may bring an action against the United States in an appropriate United States District Court within six (6) months of the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Howard", is written over a horizontal line.

Darrin Howard
Regional Counsel

cc: David J. Ebbert, Warden, USP Lewisburg



19 OF 19

U.S. Department of Justice

Federal Bureau of Prisons

Northeast Regional Office

Via Certified and Return Receipt Mail

U.S. Custom House-7th Floor
2nd & Chestnut Streets
Philadelphia, PA 19106

March 27, 2019

Mr. Kareem Millhouse, Reg. No. 59904-066
USP Lewisburg
P.O. Box 1000
Lewisburg, PA 17837

RE: Administrative Claim No. TRT-NER-2019-00478

Dear Mr. Millhouse:

Your Administrative Claim No. TRT-NER-2019-00478 properly received on October 22, 2018, has been considered for settlement as provided by the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2672, under authority delegated to me by 28 C.F.R. § 543.30. Damages are sought in the amount of \$200,000.00, for personal injury. Specifically, you allege you have been denied appropriate medical care at USP Lewisburg on an ongoing and continuous basis.

An investigation reflects you have been given medical treatment at USP Lewisburg that meets or exceeds community standards. There is no evidence to suggest you experienced a compensable loss as the result of negligence on the part of a Bureau of Prisons employee. Accordingly, your claim is denied.

If you are dissatisfied with this decision, you may bring an action against the United States in an appropriate United States District Court within six (6) months of the date of this letter.

Sincerely,

A handwritten signature in black ink, reading "D. Howard", is written over the typed name.

Darrin Howard
Regional Counsel

cc: David J. Ebbert, Warden, USP Lewisburg

APR 11, 2019

DEAR CLERK OF COURT

HELLO,

ENCLOSED IS A SELF ADDRESSED ENVELOPE - PLEASE SEND
ME A CERTIFIED COPY OF THE ENCLOSED COMPLAINT.

THANK YOU.

Kellie L. Sease



Inmate Name: MAH, KOUSSA, K
Register Number: 59904066
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

16 APR 2019

Peter J. Welsh, Clerk
Middle District of Pennsylvania
William J. Nealon Federal Building
235 North Washington Avenue
P.O. Box 1148
Scranton, PA 18501-1148

RECEIVED
SCRANTON

APR 18 2019

PER [Signature]
DEPUTY CLERK

SPECIAL DELIVERY
LEGAL MAIL